

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KEITH POUND,
KIM MARGERUM,
And BENJAMIN MULLINIX

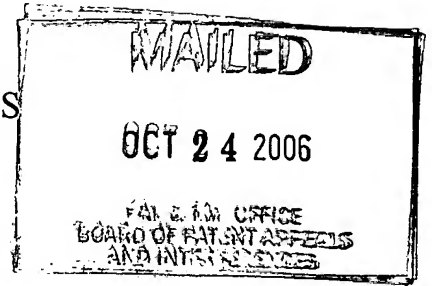
Application No. 10/677,197

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on September 22, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An Examiner's Answer was mailed April 19, 2006.

Section § 1207.02 of the Manual of Patent Examining Procedure (MPEP) (8th Ed., Rev. 3, August 2005) states:



Requirements for Examiner's Answer

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

....

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

It is noted that while the Examiner's Answer lists "Webster's New Twentieth Century Dictionary of the English Language, 2nd Edition" as Evidence Relied Upon, the claim rejections are listed as follows:

Claims 1, 5, 8-13, and 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaps (6,557,302) [page 3];

The Examiner's Answer is deficient because it does not include a complete listing of the "Evidence Relied Upon." Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for submission of a revised Examiner's Answer which corrects the "Evidence Relied Upon" section; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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